

REMARKS

Claims 1-12 are pending in the application. Applicants amend claims 1-3, 6, 10 for clarification. No new matter has been added.

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0188720 to Terrell et al. Applicants amend base claims 1 and 2 in a good faith effort to further clarify the invention as distinguished from the cited prior art reference. The Examiner's rejections are respectfully traversed.

Terrell et al. describe a signal flow technique for controlling the provision of differentiated services of a core device forming an enterprise-wide network to clients of local area networks (LANs) connected to it. The system described in Terrell et al. is triggered by received packets, and neither the edge devices nor the bandwidth broker can update packet control information unless a packet flows regularly.

The Examiner cited paragraph [0045] of Terrell et al. as alleged disclosure of the claimed feature of registering access requests and the access control server extracting the requests based on a processing capability of the service server such that they may be optimally filled by the service server. The cited portion of Terrell et al. merely describes looking up a classifier profile and identifying the type of service for received data packets based on their subscribed service level. As such, the method is based on the service level indicated by a classifier and the process does not include any determination of or consideration for the process capability of a service server, nor does it include any determination of or consideration for whether or not a service server is dealing optimally with service requests. The Examiner also cited description of trigger messages in paragraph [0034] of Terrell et al. as alleged disclosure of filter information being

determined by reference to the process capability of a service server. The cited portion merely describes a trigger message being issued upon receipt of data packets satisfying filter criteria, which are set in accordance with a predetermined service admission policy.

The methods and techniques described in Terrell et al. merely account for the service level and priority of received packets, in spite of the process capabilities of a service server, so that more time-sensitive service packets (among "differentiated services") may be prioritized. The system described in Terrell et al. is directed to a scheme of assigning filters to implement predetermined admission criteria, such as applying filters only when relevant packets are received. Please see, e.g., paragraphs [0007]-[0012] of Terrell et al. In other words, the determinant in the scheme described by Terrell et al. is whether or not a received packet satisfies predetermined criteria, not the process capability of any server. Indeed, the bandwidth broker described in Terrell et al. cannot perform priority control by determining the process capability of a service server because the received packets do not include the necessary information for such a determination, and nowhere do Terrell et al. disclose any such determination.

As such, Terrell et al. fail to disclose,

“a service server connected with an IP network via the network apparatus, providing contents on the service server to a user;

a user terminal connected with the IP network via the network apparatus, for the user to utilize the contents on the service server;

a reception server connected with the IP network via the network apparatus, receiving an access request to the contents on the service server from the user on behalf of the service server; and

an access control server controlling the network apparatus for a limitation of the access request to the contents on the service server,

said method comprising the steps of:

a) said access control server first denying all the access requests directed to the contents on the service server via the network apparatus;

b) said reception server receiving access request information to the contents on the service server from said user terminals, and registering them in an access list; and

c) said access control server extracting such an amount of the access request information from said access list, based on a processing capability of the service server and a traffic amount for the service server, as that said service server can optimally deal with, and performing traffic control to the network apparatus connected with the user terminals so as to allow the user terminals to directly access the contents on the service server in the other of access requests," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over Terrell et al. for at least the above-stated reasons. Claim 2 includes features similar to those of claim 1 cited above and is, therefore, together with claims 3 and 5-12 dependent therefrom, patentable over Terrell et al. for at least the same reasons.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Terrell et al. in view of U.S. Patent No. 5,941,947 to Brown et al. The Examiner relied upon Brown et al. as a combining reference to specifically address additional features recited in dependent claim 4. Therefore, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine the references, the combination would still fail to teach or suggest the features of claim 1 cited above. As such, claim 4, which depends from claim 2, is patentable over the cited references for at least the above-stated reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

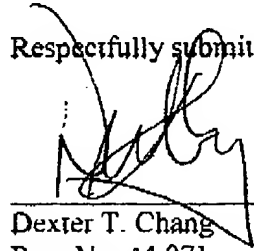
Serial No. 09/817,303

Page 12 of 12

~~this application not~~ to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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